IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3068 of 2004

Between:

1 Kirthi Appa Rao S/o. Appanna
R/o. L.T. Colony, Payakaraopet, Visakhapatnam District.
2 K. Simhachalam S/o. Venkatswamy,
R/o. L.T.Colony, Payakaraopet, Visakhapatnam District.

..... PETITIONERS

AND

1 The Commissioner and Director of Sugar & Cane Commissioner, A.P., Nampally, Hyderabad.
2 The Managing Director, Thandava Co-op. Sugars Limited, Payakaraopet, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the 2nd respondent IN non payment of gratuity to the petitioners is illegal, arbitrary and contrary to the provisions of payment of gratuity Act, 1972 and consequently direct the respondents to pay the gratuity with interest to the petitioners herein.

Counsel for the Petitioner:MR.V.V.N.NARAYANA RAO

Counsel for the Respondent No1: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent No.2: Y.Venkatesh Reddy

The Court made the following :

O R D E R:

The learned counsel for the respondents submits that they have already paid arrears of gratuity of revised pay scales to the retired petitioners who worked as workers in the 2nd respondent-Co-operative Sugar Factory.

The learned counsel for the petitioners submits that as there is a delay in paying the gratuity amount, as per Section 7 (3) (a) of the Payment of Gratuity Act, 1972, the petitioners are entitled for interest on the delayed payment of gratuity amount.

In view of the above, I am of the opinion that if the petitioners are entitled for interest on the gratuity amount, which was already paid to them by the respondent authorities, they may approach the appropriate authority.

The writ petition is accordingly disposed of by giving liberty to the petitioners to file applications before the respondent/appropriate authorities within a period of four weeks from the date of receipt of a copy of this order for the payment of interest on the gratuity amount and on receipt of such applications, the respondent/appropriate authorities are directed to consider and dispose of the same in accordance with law. No costs.

10.09.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of Sugar & Cane Commissioner, A.P., Nampally, Hyderabad.
2 The Managing Director, Thandava Co-op. Sugars Limited, Payakaraopet, Visakhapatnam District.

3.2 C.Cs to the G.P.For Industries & Commerce, High Court of A.P., Hyderabad (OUT)

4. 2 C.D.Copies.